

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RONNIE LEE MC DANIEL,
Plaintiff,

vs.

UNITED STATES CENTRAL
INTELLIGENCE AGENCY,
Defendant.

REPORT AND RECOMMENDATION

Case No. 2:09-CV-504-DAK

Plaintiff, who is proceeding *in forma pauperis*, filed his complaint on June 3, 2009, and the case was assigned to United States District Judge Dale Kimball. (Doc. 1-3.) On July 27, 2009, Plaintiff filed a Notice of Change of Address and a Motion for Discovery. (Doc. 4-5.) On June 28, 2009, Plaintiff filed a Notice of Filing of Cause of Action. (Doc. 6.)

On September 10, 2009, Judge Kimball referred the case to United States Magistrate Judge Samuel Alba pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. 7.) Judge Alba issued an order denying Plaintiff's motion for discovery on October 13, 2009. (Doc. 8.) On October 23, 2009, the mailed order was returned as undeliverable. (Doc. 9.) On March 24, 2010, the court issued an Order to Show Cause requiring Plaintiff to respond to the court's order by April 30, 2010. The Order to Show Cause mailed to

Plaintiff's listed address was returned as undeliverable on March 30, 2010.

Plaintiff has not responded to the court's Order to Show Cause. In fact, there is no record that Plaintiff has contacted the court in any way since July 28, 2009, when he filed his notice of change of address (Doc. 4), motion for discovery (Doc. 5), and notice of filing of cause of action (Doc. 6). Further, the court has not received Plaintiff's recent contact information and thus has no way of directly communicating with Plaintiff.

As a result, **IT IS RECOMMENDED** that this case be **DISMISSED** for failure to respond to the court's Order to Show Cause, failure to prosecute, and failure to keep the court apprised of his address. See Fed. R. Civ. P. 41(b); *Meade v. Grubbs*, 841 F.2d 1512, 1520 (10th Cir. 1988) (recognizing general power to dismiss for failure to prosecute or comply with federal rules of procedure).

DATED this 24th day of March, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written above a horizontal line.

Samuel Alba
United States Magistrate Judge